

## **REMARKS**

Claims 1-44 are currently pending in the application. By this amendment, claims 2, 7, 13, 21, 22, 24, 29, 35, 43, and 44 are amended; and claims 1, 3-6, 23, and 25-28 are cancelled. Upon entry of this paper, claims 2, 7-22, 24, and 29-44 will remain pending in the application. Favorable consideration and allowance of the pending claims is respectfully requested.

At the outset, Applicant submits that the amendments made herein are based on allowable subject matter found in the application and are intended to conclude prosecution and put the application in condition for allowance.

### **I. Allowable Subject Matter**

Applicant thanks the Examiner for the finding of allowable subject matter in the application, including that described in claims 7-20 and 29-42. Claim 7 is amended herein into independent form to include all of the features of the claims from which it originally depended. Claim 29 is amended herein into independent form to include all of the features of the claims from which it originally depended. Accordingly, Applicant submits that claims 7 and 29 are now in condition for allowance. Applicant submits that claims 8-20, which depend from claim 7, and claims 30-42, which depend from claim 29, are now also in condition for allowance.

### **II. Claim Objections**

Claims 13 and 35 are objected to as lacking antecedent basis for the tester measurement tool respectively recited in each claim. Claims 13 and 35 are amended

herein to address the antecedent basis objection. Withdrawal of the objection of these claims is respectfully requested.

### **III. Rejections Under 35 U.S.C. § 103**

#### **A. Claims 1-2, 21, 23-24 and 43**

Claims 1-2, 21, 23-24 and 43 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Humphrey et al. (U.S. Pat. No. 6,573,702) in view of Hembree et al. (U.S. Pat. No. 6,218,848). This rejection is respectfully traversed for at least the following reasons.

Claims 1 and 23 are cancelled herein, making their rejection under this section now moot.

Claims 2 and 21 are amended herein to depend from allowable claim 7 (which is rewritten herein in independent form to include all of the features of the claims from which it originally depended) and are submitted as nonobvious and patentable for at least the same reasons as stated for allowable claim 7. Accordingly, reconsideration and withdrawal of the rejection of claims 2 and 21 are respectfully requested.

Claims 24 and 43 are amended herein to depend from allowable claim 29 (which is rewritten herein in independent form to include all of the features of the claims from which it originally depended) and are submitted as nonobvious and patentable for at least the same reasons as stated for allowable claim 29. Accordingly, reconsideration and withdrawal of the rejection of claims 24 and 43 are respectfully requested.

#### **B. Claims 3 and 25**

Claims 3 and 25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Humphrey et al. (U.S. Pat. No. 6,573,702), Russell (U.S. Pat. No. 6,777,966), Marcuse et al. (U.S. Pat. No. 6,573,702), Hembree et al. (U.S. Pat. No. 6,218,848) as applied to claims 1 and 23 above, in further view of Cooper et al. (U.S. Pat. No. 7,084,650). Claims 3 and 25 are cancelled herein, making their rejection under this section now moot.

*C.     Claims 4 and 26*

Claims 4 and 26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Humphrey et al. (U.S. Pat. No. 6,573,702), Russell (U.S. Pat. No. 6,777,966), Marcuse et al. (U.S. Pat. No. 6,573,702), Hembree et al. (U.S. Pat. No. 6,218,848) and Cooper et al. (U.S. Pat. No. 7,084,650) as applied to claims 3 and 25 above, in further view of Tomishima (U.S. Pat. No. 6,807,109). Claims 4 and 26 are cancelled herein, making their rejection under this section now moot.

*D.     Claims 5 and 27*

Claims 5 and 27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Humphrey et al. (U.S. Pat. No. 6,573,702), Russell (U.S. Pat. No. 6,777,966), Marcuse et al. (U.S. Pat. No. 6,573,702), Hembree et al. (U.S. Pat. No. 6,218,848), Cooper et al. (U.S. Pat. No. 7,084,650) and Tomishima (U.S. Pat. No. 6,807,109) as applied to claims 4 and 26 above, in further view of Yang (U.S. Pat. No. 6,352,868). Claims 5 and 27 are cancelled herein, making their rejection under this section now moot.

*E.     Claims 6 and 28*

Claims 6 and 28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Humphrey et al. (U.S. Pat. No. 6,573,702), Russell (U.S. Pat. No. 6,777,966), Marcuse et al. (U.S. Pat. No. 6,573,702), Hembree et al. (U.S. Pat. No. 6,218,848), Cooper et al. (U.S. Pat. No. 7,084,650), Tomishima (U.S. Pat. No. 6,807,109) and Yang (U.S. pat. No. 6,352,868) as applied to claims 5 and 27 above, in further view of Rohrbaugh et al. (U.S. Pat. No. 5,495,578). Claims 6 and 28 are cancelled herein, making their rejection under this section now moot.

*F.     Claims 22 and 44*

Claims 22 and 44 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Humphrey et al. (U.S. Pat. No. 6,573,702), Russell (U.S. Pat. No. 6,777,966), Marcuse et al. (U.S. Pat. No. 6,573,702) and Hembree et al. (U.S. Pat. No. 6,218,848) as applied to claims 1 and 23 above, in further view of Schwartz et al. (U.S. Pat. No. 6,118,894). This rejection is respectfully traversed for at least the following reasons.

Claim 22 is amended herein to depend from allowable claim 7 (which is rewritten herein in independent form to include all of the features of the claims from which it originally depended) and is submitted as nonobvious and patentable for at least the same reasons as stated for allowable claim 7. Accordingly, reconsideration and withdrawal of the rejection of claim 22 are respectfully requested.

Claim 44 is amended herein to depend from allowable claim 29 (which is rewritten herein in independent form to include all of the features of the claims from which it originally depended) and is submitted as nonobvious and patentable for at least

the same reasons as stated for allowable claim 29. Accordingly, reconsideration and withdrawal of the rejection of claim 44 are respectfully requested.

#### **IV. Conclusion**

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (314) 726-7500.

It is not believed that any fees are due in connection with this response. If, however, Applicant owes any fees, the Commissioner is hereby authorized to charge the fee(s) to Deposit Account No. **08-0750**. In addition, if there is ever any fee deficiency or overpayment under 37 C.F.R. §1.16 or 1.17 in connection with this patent application, the Commissioner is hereby authorized to charge such deficiencies or credit such overpayment to Deposit Account No. **08-0750**.

Respectfully submitted,

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